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Attorney Docket: NEX 10-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: GOLD *et al.*

SERIAL NO.: 09/723,718

FILED: NOVEMBER 28, 2000

FOR: **SYSTEMATIC EVOLUTION OF LIGANDS  
BY EXPONENTIAL ENRICHMENT:  
PHOTOSELECTION OF NUCLEIC ACID  
LIGANDS AND SOLUTION SELEX**

EXAMINER: ZITOMER, S

ART UNIT: 1634

10/15/2003 REONDAF1 00000065 195117 09723718

Mail Stop Patent Ext.	02 FC:1801	770.00 OP
Commissioner for Patents	03 FC:1401	330.00 OP
	04 FC:1814	110.00 OP
P.O. Box 1450	05 FC:1814	45.00 OP
Alexandria, VA 22313-1450	06 FC:1252	420.00 DA

**NOTIFICATION OF ERROR IN ESTABLISHMENT OF  
SMALL ENTITY STATUS (37 CFR § 1.28(c))**

Sir:

On November 13, 2002, Applicant filed a Notice of Appeal and a Petition for a Two Month Extension of Time containing an assertion of small entity status pursuant to 37 C.F.R. §1.27(c). At this time Applicant erroneously believed itself entitled to small entity status with regard to this patent and it has now been discovered that this is not so. Pursuant to 37 C.F.R. § 1.28(c), Applicant requests that this good faith error be excused. Applicant hereby presents a calculation of the deficiency owed and an itemization of the deficiency payment.

Fee Payment for Deficiency:

Notice of Appeal Fee paid on November 13, 2002	\$160.00
Two Month Extension of Time Fee paid on November 13, 2002	\$200.00
Request for Continued Examination Fee paid on January 13, 2003	\$375.00
Fee for Filing Two Terminal Disclaimers paid on January 13, 2003	\$110.00

Deficiency in Notice of Appeal Fee paid on November 13, 2002 based on fees due of \$330.00	\$170.00
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Deficiency in Two Month Extension of Time Fee paid on November 13, 2002 based on fees due of \$420.00	\$220.00
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Deficiency in Request for Continued Examination Fee paid on January 13, 2003, based on fees due of \$770.00	\$395.00
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Deficiency in Fee for Filing Two Terminal Disclaimers paid on January 13, 2003, based on fees due of \$220.00	\$110.00
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<b>Total Deficiency of fees Due:</b>	<b><u>\$895.00</u></b>
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Status as a small entity is hereby withdrawn.

A check in the amount of \$1,845 (\$895 deficiency of fees + \$950 fee for a three month extension of time) is included.

The undersigned hereby authorizes the charging of any required fees not included or any deficiency of fees submitted herewith to deposit account No. 19-5117.

Respectfully submitted,



Date: October 8, 2003

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